

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

and

STATE OF NEW YORK,

Plaintiffs,

v.

TWIN AMERICA, LLC, *et al.*,

Defendants.

Civil Action No.
12-cv-8989 (ALC) (GWG)

Oral Argument Requested

**NOTICE OF DAUBERT MOTION TO
EXCLUDE THE TESTIMONY OF DR. GUY BEN-ISHAI**

PLEASE TAKE NOTICE that Defendants Coach USA, Inc., International Bus Services, Inc., Twin America, LLC, CitySights LLC, and City Sights Twin, LLC (collectively “Defendants”), will move this Court, before the Honorable Andrew L. Carter, Jr., United States District Court Judge, at the United States Courthouse, 40 Foley Square, Courtroom 1306, New York, New York, as soon as counsel may be heard, for an order excluding the testimony of Dr. Ben-Ishai in its entirety under Federal Rule of Evidence 702, *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), and its progeny, based upon their Memorandum of Law in Support of Defendants’ *Daubert* motion to exclude the testimony of Dr. Guy Ben-Ishai (“Ben-Ishai *Daubert* Motion”), Declaration of Andrew D. Lazerow (“Lazerow Declaration”) and exhibits attached thereto, all dated June 20, 2014, and all prior papers and proceedings herein, by its undersigned counsel. On June 20, 2014, pursuant to the Court’s June 19, 2014 Order (Dkt. 70), Defendants served, by email, on all persons listed in the accompanying Certificate of Service and the Court, an unredacted version of the memorandum and Lazerow Declaration in

support of the Ben-Ishai *Daubert* Motion. On Monday, June 23, 2014, Defendants will hand-deliver to all persons listed in the accompanying Certificate of Service and the Court unredacted versions of the exhibits attached to the Lazerow Declaration. Defendants will submit to the Court a motion to seal, along with proposed redactions, by June 26, 2014.

Dated: June 20, 2014

Respectfully submitted,

/s/ Thomas O. Barnett

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